

May 5, 2020

To: Michigan State House Judiciary Committee Members

CC Governor Gretchen Whitmer

Chairperson Filler and Committee Members,

Thank you for the opportunity to express in writing my concerns regarding HB 5679 and the process currently underway to review its contents. At the outset, please note I do not support the decision to hold public hearings on this important Bill during a pandemic while we are attempting to avoid contracting a life threatening virus currently ravaging our state and country. Even though I understand the option to participate via Zoom or some other telecommunication process has been made available, many of us do not have the skill or equipment to participate. That being said however, I understand the hearing will proceed on May 6 so I will forward my thoughts in writing as I do wish my comments to be considered.

Like many Michigianians, I really had no understating of the Michigan Sex Offender Laws or the Registry rules. I assumed that a registered sex offender must have committed heinous crimes against a child or vulnerable person or perhaps was a violent repeat sex offender. However, I was surprised to learn this is not at all true. A person can be on the registry for 15 + years for urinating in public, or for so-called "mooning" someone; teenagers or adults caught "making out in a car" can face a lifetime of registration even if actions were consensual or no intercourse occurred; While these actions may be distasteful or disgusting, they do not require the kind of punishments the registry delivers.

I first became aware of the registry controversy when I read about Judge Cleland's ruling in May of 2019 which stated parts of the Michigan law were unconstitutional and the legislature was given 90 days to write a compliant law. As I began research into the issues involved I was shocked to discover the nature of what the State of Michigan, and most all other US states, actually include and require as part of sex offender legislation and registry compliance and the cost associated with the registry.

Please note I am not a registered sex offender, nor do I believe I know anyone on the Michigan registry: my interest in this topic is driven by trying to make our State safe, fair, just and financially responsible. Given the financial challenges we are now facing and will face in the immediate future these issues are even more important to me, my friends and neighbors. Michigan must not waste resources upholding or recasting a law that is unconstitutional, therefore unjust, lacks fairness when the punishments embedded in the registry laws are compared to other crimes, doesn't focus resources on monitoring the most dangerous or at high risk for repeating offenses but dumps everyone into a common category, therefore

threatens our safety by masking real risk and is wasting millions of dollars every year to maintain a duplicative registry database when alternative databases are available for law enforcement. I suspect the cost to local and state law enforcement is incredibly high as they perform house or employment checks, make sure registrants, often someone's father or mother stay at least 1,001 feet away from their child's school and checks all vehicles to make sure they are appropriately registered etc. etc. etc.

Currently Michigan has about 44,000 people who are registered sex offenders. I believe a substantial portion of individuals are in a Tier 3 classification and that means a lifetime of registration and essentially being subject to state sponsored bullying, pillory and punishment with no chance of relief from the registry. Individuals who beat and brutalize others, repeat dealers selling drugs to minors and many others are able to begin rebuilding their lives once they are rehabilitated or released from the Department of Corrections, however I believe individuals with a sex offense are the only class subject to a registry. This truly limits their ability to reintegrate.

I suspect it is hard enough trying to assimilate with any felony conviction but the registry takes this to the public and the impact goes far beyond the individual. Families are shunned and their children are harassed, ostracized and bullied. Legislation originally designed to protect children in fact has the opposite effect for many of the children and citizens of Michigan. This makes the registry unusual and cruel. I suspect the effects last for decades on families and children and causes pain for many innocent individuals.

Based on all that I have read I believe there are a multitude of legal experts, law enforcement agencies, advocates for victims and prison reform who have identified far more effective legislation that focuses on ensuring criminals are effectively punished and subsequently as appropriate, given the opportunity to re-enter society as successful, contributing members. I believe our current legislators can craft better legislation that is just and fair, keeps us safe and uses financial resources effectively. HB 5679 should not be passed out of the committee.

Thank you for your consideration.

Cathryn Pawlusiak